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PATENT

Serial No. 10/540,701
Amendment in Reply to Office Action mailed on July 25, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed July 25, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

By means of the present amendment, claims 1-9 and 11-12 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 1-9 and 11-12 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-6 and 8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,353,894 (Pione). Further, claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No.

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6,622,252 (Klaasen). It is respectfully submitted that claims 1-9 and 11-16 are patentable over Pione and Klaasen for at least the following reasons.

Pione is directed to an external storage device that includes a power management system having an energy storage circuit which stores energy from a power source and provides additional power to the external storage device. A microcontroller determines whether the combined power from the power source and the energy storage circuit is sufficient for the external storage device to perform a particular command received from a host computer. If the power from the power source and the energy storage circuit is insufficient, the microcontroller causes the external storage device to either suspend the command until sufficient energy is stored on the energy storage circuit to execute the command, or execute the command at a rate slower than a normal rate.

Klaasen is directed to a portable computer with a two-speed data storage device, a battery and a connection to an external power source. When the storage device is powered by the internal battery, a controller reduces the rotation speed and the clock rate of the storage device to reduce power consumption. When the

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storage device is powered by an external power source, the controller will run the storage device at full speed and highest clock rate.

It is respectfully submitted that Pione and Klaasen, alone or in combination, do not teach or suggest the present invention as recited in independent claims 1 and 8-9, where amongst other patentable elements, claim 1 recites the following, with similar recitations in independent claims 8-9 (illustrative emphasis provided):

wherein said accessing means are switched into a first accessing mode having a lower data rate than a second accessing mode when the recording apparatus is in a low power mode in response to a user command of a user of the recording apparatus.

There is no teaching or suggestion in Pione, Klaasen, and combination thereof, of switching power modes in response to a user command, as recited in independent claims 1 and 8-9.

Accordingly, it is respectfully submitted that independent claims 1 and 8-9 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 and 11-16 should also be allowed based at least on

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their dependence from independent claims 1 and 9.

Claims 3 and 16 also include patentable subject matter. In rejecting claim 3 on pages 3 and 5 of the Office Action, column 4, lines 56-67 of Pione, and column 6, line 63 to column 7, line 2 of Klaasen are cited. It is respectfully submitted that column 4, lines 56-67 of Pione merely teach a microcontroller 53 that monitors the power provided by the power source 10 and the voltage across the capacitor 22. The microcontroller 53 has "access to a predetermined power level or range for a particular power source 10." (Column 4, lines 63-65)

Further, column 6, line 63 to column 7, line 2 of Klaasen merely teach "a mechanical switch which is activated by the body of the external power plug when it is inserted into the power inlet 52 of the portable computer 50, indicates to the controller 54 whether the external power source 52 or the internal battery 51 is supplying power."

It is respectfully submitted that the cited sections of Pione and Klaasen do not teach or suggest the present invention as recited in claim 3, and similarly recited in claim 16, which requires (illustrative emphasis provided):

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wherein said switching means are adapted for switching said accessing means into said first accessing mode when the supplied power is below a predetermined value.

These features are nowhere taught or suggested in Pione, Klaasen, and combination thereof.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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